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PTO/SB/21 (04-04)  
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|---|------------------------|----------------------------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number     | 10/698643                  |
|   | Filing Date            | October 31, 2003           |
|   | First Named Inventor   | George Philip Lahm Et. Al. |
|   | Art Unit               | 1625                       |
|   | Examiner Name          |                            |
| Total Number of Pages in This Submission  | Attorney Docket Number | BA9263USDIV                |

| ENCLOSURES (Check all that apply)   |  |  |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Response to Restriction Requirement |
| Remarks   |  |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |                                      |
|--|--------------------------------------|
| Firm or Individual name                    | E. I. DU PONT DE NEMOURS AND COMPANY |
| Signature                                  | Linda D. Birch                       |
| Date                                       | August 18, 2004                      |

| CERTIFICATE OF TRANSMISSION/MAILING   |                  |      |                 |
|---|------------------|------|-----------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |                  |      |                 |
| Typed or printed name   | Nancy M. Cochran |      |                 |
| Signature   |                  | Date | August 18, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.





PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

GEORGE PHILIP LAHM ET. AL.

CASE NO.: BA9263 US DIV

SERIAL NO.: 10/698,643

GROUP ART UNIT: 1625

FILED: OCTOBER 31, 2003

EXAMINER: DAVIS, ZINNA N.

FOR: INSECTICIDAL ANTHRANILAMIDES

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

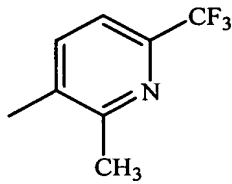
This is submitted in response to the Office Action dated July 30, 2004.

Claims 1-43 are pending in this application and are subject to restriction and/or election requirement. The Office Action stated that Claims 1-43 are generic and directed to the following patentably distinct species of the claimed invention: A, B, J, R<sup>1</sup>, R<sup>2</sup>, R<sup>3</sup>, R<sup>4</sup> and n, and that Applicants are required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicants hereby elect an embodiment wherein

R<sup>1</sup> is H;R<sup>2</sup> is H;R<sup>3</sup> is *i*-Pr;R<sup>4</sup> is 2-Me;

J is



in particular the compound listed at page 66, in line 1 of Table 5. The chemical name of this compound is 2-methyl-N-[2-methyl-6-[(1-methylethyl)amino]carbonyl]phenyl]-6-(trifluoromethyl)-3-pyridinecarboxamide. For this compound A=O, B=O, and n=1. This compound is also listed at page 20, lines 13-14; page 24, lines 17-18; page 176, Index Table



B, compound B1; page 202, claim 21, lines 27-28 (3<sup>rd</sup> compound); and page 209, claim 42, lines 24-25 (3<sup>rd</sup> compound).

Claims readable thereon are Claims 1, 6, 7, 8, 9, 10, 11, 21, 22, 27, 28, 29, 30, 31, 32, 42 and 43. Should prosecution result in allowing generic coverage of J is a 6-membered heteroaromatic ring, Claims 12, 13, 14, 15, 16, 33, 34, 35, 36, and 37 would also be included in such a scope.

Applicants would like to point out that the parent of this application (now U.S. Patent 6,747,047) was not restricted to one of the following inventions: I. Claims 1-21, drawn to a composition and method for controlling arthropods using a compound of formula I; II. Claims 22-43, drawn to a chemical compound. According Applicants respectfully request that the claims from both of these groups be included in this application. Additional searching should not be required if both groups are included. If restriction is maintained, Applicants elect Group II, claims 22-43 drawn to a chemical compound.

Respectfully submitted,



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Dated: August 18, 2004